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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,475	09/28/1999	WILLIAM J. MAYER	99AB133	2818

7590 07/28/2004

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EXAMINER

NGUYEN, DANNY

ART UNIT PAPER NUMBER

2836

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/407,475

Applicant(s)

MAYER ET AL.

Examiner

Danny Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-18 and 22 is/are allowed.
- 6) ☒ Claim(s) 1 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 19, and 21 have been considered but are moot in view of the new ground(s) of rejection.

2. The indicated allowability of claim 21 is withdrawn in view of a reevaluation of the reference(s) to Kirilloff (USPN 3,895,264) and Lycan (USPN 4,737,603). Rejections based on the reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirilloff (USPN 3,895,264) in view of Lycan (USPN 4,737,603).

Regarding claims 1, 19, 20, Kirilloff discloses a safety switching apparatus comprises a control configuration (such as 35, 44) for selectively linking and de-linking the voltage lines (voltage lines 1, 2, 3) to and from the device (device 11); a controller (35) for controlling the control configuration. Kirilloff does not disclose a ground configuration as claimed. Lycan teaches a ground configuration (such as isolation switch 32 shown in fig. 21) for short-circuiting the input nodes (the input nodes of motor) to ground when the voltage lines are de-linked from the device (as circuit breaker 30 is

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opened due to a fault col. 4, lines 48-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the circuit of Kirilloff to incorporate the isolation switch as disclosed by Lycan in order to protect circuits from hazardous conditions (col. 1, lines 45-50, col. 2, lines 19-23).

Regarding claim 21, Kirilloff discloses a method for grounding detection circuit comprises determining when the device isolation has been detected (e.g. the device 11 is isolated as ground fault is detected), monitoring the grounding conductor if the conductor is ungrounded, indicating the ungrounded condition as a indicator (e.g. col. 4, lines 2-30). Kirilloff does not disclose grounding the supply lines as claimed. Lycan teaches grounding the supply lines (such as isolation switch 32 is grounding the input nodes LD1-LD3 of the motor to ground as circuit breaker 30 is opened due to a fault shown in fig. 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the circuit of Kirilloff to incorporate the isolation switch as disclosed by Lycan in order to protect circuits from hazardous conditions (col. 1, lines 45-50, col. 2, lines 19-23).

#### ***Allowable Subject Matter***

4. Claims 2-18, 22 are allowed.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

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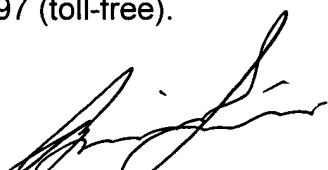
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/24/2004

  
BRIAN SIRCUS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800